

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

INSTRUCTION NO. ____

The Court instructs the jury that you are the judges of the facts, the credibility of the witnesses, and the weight of the evidence. You may consider the appearance and manner of the witnesses on the stand, their intelligence, their opportunity for knowing the truth and for having observed the things about which they testified, their interest in the outcome of the case, their bias, and, if any have been shown, their prior inconsistent statements, or whether they have knowingly testified untruthfully as to any material fact in the case. You may not arbitrarily disregard believable testimony of a witness. However, after you have considered all the evidence in the case, then you may accept or discard all or part of the testimony of a witness as you think proper.

You are entitled to use your common sense in judging any testimony. From these things and all the other circumstances of the case, you may determine which witnesses are more believable and weigh their testimony accordingly.

V.M.J.I. 2.020

INSTRUCTION NO. ____

The Court instructs the jury that you must not consider any matter that was rejected or stricken by the Court. It is not evidence and should be disregarded.

V.M.J.I. 2.170

INSTRUCTION NO. ____

The following are the issues in this case:

- (1) Was C.H. Robinson negligent in hiring AKJ Enterprises to transport the load?
- (2) If C.H. Robinson was negligent in hiring AKJ Enterprises, was its negligence a proximate cause of the accident that injured Dallas Jones?

On these issues the plaintiff has the burden of proof.

Your decisions on these issues must be governed by the instructions that follow.

VMJI 3.000

INSTRUCTION NO. ____

The Court instructs the jury that in considering the weight to be given to the testimony of an expert witness, you should consider the basis for his/her opinion and the manner by which he or she arrived at it and the underlying facts and data upon which he or she relied.

V.M.J.I. 2.040

INSTRUCTION NO. ____

The Court instructs the jury that you must not base your verdict in any way upon sympathy, bias, guesswork or speculation. Your verdict must be based solely upon the evidence and instructions of the court.

V.M.J.I. 2.220

INSTRUCTION NO. _____

The greater weight of all the evidence is sometimes called the preponderance of the evidence. It is that evidence which you find more persuasive. The testimony of one witness whom you believe can be the greater weight of the evidence.

V.M.J.I. 3.100

INSTRUCTION NO. ____

The Court instructs the jury that negligence is the failure to use ordinary care. Ordinary care is the care a reasonable person would have used under the circumstances of this case.

V.M.J.I. 4.000

INSTRUCTION NO. ____

The Court instructs the jury that a proximate cause of an accident, injury, or damage is a cause which in natural and continuous sequence produces the accident, injury, or damage. It is a cause without which the accident, injury, or damage would not have occurred.

V.M.J.I. 5.000

INSTRUCTION NO. ____

Negligent hiring is the failure to exercise reasonable care to employ a safe independent contractor to do work which will involve an unreasonable risk of physical harm unless it is safely done.

Philip Morris, Inc. v. Emerson, 235 Va. 380 (1988)

INSTRUCTION NO. ____

You shall find your verdict for Dallas Jones if he has proved by the greater weight of the evidence that:

- (1) CH Robinson was negligent in hiring AKJ Enterprises: and that
- (2) CH Robinson's negligence was a proximate cause of the accident that injured Dallas Jones.

You shall find your verdict for CH Robinson if:

- (1) Dallas Jones failed to prove either or both of the two elements above.

VMJI 3.050

Verdict Form

We, the jury, find in favor of the plaintiff, Dallas Jones.

Foreperson

We, the jury, find in favor of the defendant, CH Robinson.

Foreperson

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